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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,780	11/28/2000	Matt Crosby	DIGIP017	7674

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,780

Applicant(s)

CROSBY ET AL.

Examiner

ANTHONY J BLACKMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by RHOADS, US Patent Application Publication No. 2001/0055407.
2. As per claims 1 and 10, RHOADS disclose a method and apparatus for rendering a low-resolution resultant image at an embedded imaging device (figures 27 and 43, page 35, sections 0381 through 0386), comprising: capturing an original digital negative at the embedded imaging device at an original resolution (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381 through page 36, section 0391) modifying the original digital negative to form a first resultant image at a first resolution (figures 22, 24 and page 32, sections 0352 to 0354, page 33, section 0355); generating a first edit list based upon the modifying (figure 24, section 0355);

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associating the first edit list with the first resultant image; linking the first edit list to the original digital negative (figure 24, section 0355); displaying the first resultant digital image on a display device coupled to the embedded imaging device (figures 22 and 24, and page 32, sections 0352 to 0354, page 33, section 0355); modifying the first resultant image to form a second resultant image at the first resolution (figures 22 and 24, and page 32, sections 0352 to 0354, page 33, section 0355); generating a second edit list based upon the modifying the first resultant image (figure 43, page 39, sections 0431-0433); associating the second edit list with the second resultant image (figure 43, page 39, sections 0431-0433); linking the second edit list to the original digital negative (figure 43, page 39, sections 0430-0433); storing the linked second edit list, the original digital negative, and the second resultant image at the embedded imaging device; and displaying the second resultant image at the display device (figure 43, page 39, sections 0430-0433).

3. As per claims 2 and 11, RHOADS meets limitations of claims 1 and 10, including "...coupling the embedded imaging device to a first node (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381 through page 36, section 0391); at a second node coupled to the first node (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381 through page 36, section 0391), receiving the linked second edit list and the original digital negative (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381

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through page 36, section 0391); operating on the original digital negative based upon the received linked second edit list to form the second resultant image at the original resolution (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381 through page 36, section 0391); and transferring the second resultant image at the original resolution to the first node (it is inherent that cameras, notably digital cameras, are comprised of memory means, memory means that record picture modifications and figure 27, page 35, sections 0383 through 0384) ; outputting the second resultant image at the original resolution at an output device coupled to the first node (figure 27)."

4. As per claims 3 and 12, RHOADS meets limitations of claims 1 and 10, including "... wherein at the first node, operating on the original digital negative based upon the stored linked second edit list to form the second resultant image at the original resolution (figures 22, 24 and 27, page 32, sections 0352 to 0354, page 33, section 0355; page 35, section 0381 through page 36, section 0391); and outputting the second resultant image at the original resolution at an output device coupled to the first node (figure 27)."

5. As per claims 4 and 13, RHOADS meets limitations of claims 1 and 10, including "... wherein the embedded imaging device is selected from a group comprising: a digital still camera (figure 22), a digital video camera, an internet appliance, a WEB based camera (the underlined item is the at least selected item)."

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6. As per claims 5 and 14, RHOADS meets limitations of claims 1 and 10, including "...wherein the display device is selected from a group comprising: an LCD screen and TV (page 42, section 0455)."

7. As per claims 6 and 15, RHOADS meets limitations of claims 1 and 10, including "...wherein the original resolution is a highest resolution and wherein the first resolution is a lowest resolution (it is inherent that the transition means of thumbnail from "web page object" requires that thumbnails have lower resolution "(e.g. representative logos)" page 36, section 0390).

8. As per claims 7 and 16, RHOADS meets limitations of claims 1 and 10, including "...wherein the second node is directly connected to a server computer connected to the first node by way of an interconnected network of computers (figures 26-27, page 35, sections 0381 through 0385)."

9. As per claims 8 and 17, RHOADS meets limitations of claims 3 and 11, including "...wherein the first node and the second node are directly coupled in a peer-to-peer arrangement (figures 26-27, 27a-b, page 35, sections 0381 through 0382; please note: "[I]n one embodiment of the technology, the World Wide Web is used as a pre-existing hot-link based network. The common apparatus of this system is networked computers and computer monitors displaying the results of interactions when connected to the web.)"

10. As per claims 9 and 18, RHOADS meets limitations of claims 8 and 17, including "...wherein the first node and the second node are wirelessly coupled (figures 26-27, 27a-b, page 35, sections 0381 through 0382; please note: "[I]n one embodiment of the technology, the World Wide Web is used as a pre-

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existing hot-link based network. The common apparatus of this system is networked computers and computer monitors displaying the results of interactions when connected to the web.)”

11. As per claim 19, RHOADS discloses “[I]n a distributed system, an on-demand method of transferring a lower resolution resultant image from a first node to a second node that preserves an ability to form a higher resolution resultant image at the second node (page 37, section 0408 to section 0410), comprising: at the first node, (a) generating a first resultant image at a first resolution (page 37, section 0408 to section 0410); (b) rasterizing the first resultant image to form a second resultant image at a second resolution (page 37, section 0408 to section 0410); (c) transferring the second resultant image to the second node (page 37, section 0408 to section 0410); at the second node, (d) selecting a third resolution (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (e) rasterizing the second resultant image to form a third resultant image at the third resolution (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc).

12. As per claim 21, RHOADS meets limitations of claim 19, including “...wherein the generating a first resultant image comprises (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc): (f) retrieving a digital negative of an original digital image (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (g) modifying the digital negative to form the first resultant image at the first resolution (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (h) associating a first edit list based on

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the modifying with the first resultant image (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (i) linking the first edit list to the digital negative (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc).

13. As per claim 22, RHOADS meets limitations of claim 20, "...wherein the rasterizing the first resultant image comprises (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc): (j) modifying the first resultant image to form the second resultant image at the second resolution (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (k) associating a second edit list based on the modifying (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc) (j) with the second resultant image at the second resolution and the first resultant image (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc); (1) linking the second edit list to the digital negative (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over RHOADS, US Patent Application Publication No. 20010055407 in view of HENRY M. WALKER's "INTRODUCTION TO COMPUTING AND COMPUTER SCIENCE WITH PASCAL", 1982.

16. As per claim 22, RHOADS meets limitations of claim 21, however, " even though RHOADS discusses binary code processing (figures 3, 5 and 7-8), does not explicitly teach the following well-known Conditional Loop Statement "...further comprising: at the second node, if it is determined that the third resolution is the first resolution, (m) sending a digital negative request to the first node; (n) receiving the requested digital negative and the linked first edit list; (o) modifying the requested digital negative based upon the first edit list to form the first resultant image at the first resolution." WALKER, teach the well-known Conditional Loop Statement disclosing the processing so that a conditional statement equates third resolution and first resolution as claimed the familiar process of (m), (n) and (o) are repeated: "...further comprising: at the second node, if it is determined that the third resolution is the first resolution, (m) sending a digital negative request to the first node; (n) receiving the requested digital negative and the linked first edit list; (o) modifying the requested digital negative based upon the first edit list to form the first resultant image at the first resolution (Section 7.4 "CHOOSING AMONG FOR, REPEAT, AND WHILE" in it's entirety). It would have been obvious to one skilled in the art at the time of the invention to utilize the well-known Conditional Loop Statement teaching of WALKER with the "COMPUTER SYSTEM LINKED BY USING INFORMATION IN DATA

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OBJECTS” including processing of a plurality of resolution means and binary code processing (figures 3, 5 and 7-8) as taught by RHOADS because both share well-known teaching (WALKER) and application (RHOADS) of binary code processing means.

17. As per claim 23, RHOADS et al as modified meets limitations of claim 22. Further, RHOADS et al as modified suggests “...wherein the first node is a first computing device coupled to a first input device and a first output device and wherein the second node is a second computing device coupled to a second output device and a second input device (page 38, sections 0413 through 0414 from a photograph to a scanner to a pc).

18. As per claim 24, RHOADS et al as modified meets limitations of claim 23. Further, RHOADS et al as modified suggests, “...wherein the second node is a server computer (page 39, section 0426 and page 54, section 0590).

19. As per claim 25, RHOADS as modified meets limitations of claim 23. Further, RHOADS et al as modified suggests “...wherein the first computing device and the second computing device are linked in a peer-to-peer arrangement (figures 26-27, 27a-b, page 35, sections 0381 through 0382; please note: “[I]n one embodiment of the technology, the World Wide Web is used as a pre-existing hot-link based network. The common apparatus of this system is networked computers and computer monitors displaying the results of interactions when connected to the web.)”

20 As per claim 26, RHOADS et al as modified meets limitations of claim 25, including “...wherein the first computing device and the second computing device

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are wirelessly linked (figures 26-27, 27a-b, page 35, sections 0381 through 0382; please note: "[I]n one embodiment of the technology, the World Wide Web is used as a pre-existing hot-link based network. The common apparatus of this system is networked computers and computer monitors displaying the results of interactions when connected to the web.)"

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SHAFFER et al, US Patent No. (abstract, lines 1-19, figure 2, figure 4, figure 6, column 1, lines 15-20, column 3, lines 25-28, column 10, lines 48-65, column 11, lines 38-58, column 12, lines 4-25, 56-column 13, lines 1 and 19-64). BACUS et al, US Patent No. 6,272,235 (figure 10, including the camera subsystem and display monitor subsystem, figures 17, 17a and 18). DOW et al, US Patent No. 6,232,973 (figures 2, 3 and 15b, column 1, lines 39-44).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829.

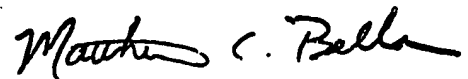
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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600